THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4886 OF 1999

DATED 20th FEBRUARY, 2006

BETWEEN

Akkina Sivunnaidu

… Petitioner

and

The Commissioner of Land Revenue, Hyderabad. And others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4886 OF 1999

ORDER:

Aggrieved by the proceedings, dated 14.12.1998 of the first respondent, the petitioner seeks a writ of certiorari to quash the same on the ground that the same suffers from error apparent on the face of record.

It is the case of the petitioner that he was granted Ek Sal lease in respect of the land admeasuring Acs.2.50 in survey No.44 of Gopalarayudipeta village in the year 1970. The same was cancelled in 1976. Aggrieved by the same, the petitioner preferred an appeal before the Sub Collector, Bobbili, which was dismissed. The petitioner again approached the Joint Collector, who dismissed the appeal by order, dated 11.06.1984. Again, the petitioner filed a further appeal before the first respondent, who dismissed the appeal by impugned order.

It is the further case of the petitioner that he, as an individual, does not own any land in Narasimhunipeta and Velagavalasa villages, but the joint family, to which the petitioner belongs, owns such lands. The petitioner, therefore, contends that the cancellation of Ek Sal lease after lapse of about six years is arbitrary and illegal.

A reading of the order passed by the first respondent would show that the petitioner was found to be in possession on ryotwari patta land in Narasimhunipeta village admeasuring Acs.1.31 wet land and Acs.1.91 dry land and owns an extent of Acs.0.73 in Velagavalasa village. When the wet land is converted into dry land, the total extent of land in possession of the petitioner would be Acs.5.99. This would show that the petitioner can never be considered either landless or poor. Secondly, the land in Survey No.44 in respect of which the petitioner obtained Ek Sal lease was recorded as Nalla Durga Cheruvu Tank, which is an irrigation source and therefore any lease of the land is prohibited. The authorities have considered the claim of the petitioner with reference to ground position and therefore this Court does not find any error apparent on the face of record.

The writ petition is accordingly dismissed. No costs.

_____

(V.V.S.RAO,J)

20.02.2006.

pln